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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

LEVAN MAKASHVILI,

Defendant.

17-cr-0350 (KBF)

ORDER

KATHERINE B. FORREST, United States District Judge:

The Court has reviewed the materials submitted by/on behalf of Levan Makashvili as well as the Government's response. The submissions do not support the bail modification request but, indeed, demonstrate why it must be denied.

The defense submission was supposed to contain evidentiary support for the availability of assets described at the hearing on November 27, 2017. It does not. For instance, there is no indication that two parcels of real estate exist, with one valued at \$1.4 million and free of any liens. But in addition, the financial submission raises more concerns than it answers. So far as the Court can tell, Mr. Seppy's income is not based on being a successful MMA trainer, but rather based on fees from taxi cab medallions—but even then, there is no evidence of current medallion ownership or value net of liens. Mr. Seppy's personal income is also quite modest.

Further, the Government's submission responds to a question the Court raised at the November 27, 2017 hearing regarding connection between Mr. Seppy

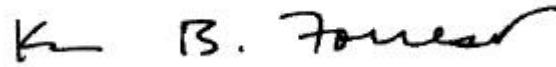
and the Shulaya Enterprise. It appears that there is strong evidence of such connection. Moreover, the Court now more clearly understands the defendant's role in the organization and has even greater concerns regarding the risk of flight.

Based on the totality of the materials before the Court, the Court finds by a preponderance of the evidence that Levan Makashvili presents a risk of flight and that no condition or combination of conditions can assure his appearance should he go to Russia. The Court finds further that the submission by Mr. Seppy does not assuage the Court's concerns but increases them (as they are inconsistent with what was said about assets in open court). Accordingly, the bail application is DENIED.

The Clerk of Court is directed to close the motion at ECF No. 393.

SO ORDERED:

Dated: New York, New York
December 4, 2017

A handwritten signature in black ink, appearing to read "K. B. Forrest", is written over a horizontal line.

KATHERINE B. FORREST
United States District Judge